

REMARKS

In response to the Office Action mailed December 23, 2009, Applicants respectfully request reconsideration. Claims 7 and 11-31 were previously pending in this application. By this amendment, no claims have been amended or added. As a result, claims 7 and 11-31 are pending for examination with claims 7, 19 and 24 being independent. No new matter has been added.

Examiner Interview

Applicants thank the Examiner for a telephone interview held on December 10, 2009. The telephone interview was initiated by the Examiner. During the interview, the limitation of claim 1 reciting "when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application" was discussed. In particular, Applicants explained the support for the above limitation of claim 1 in Exhibit C of the Applicants' specification.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 7-31 under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2004/0243835 ("Terzis") in view of U.S. Patent Publication No. 2002/0099952 ("Lambert"). Applicants respectfully disagree.

I. Independent Claim 7

The cited references do not meet all limitations of claim 7.

Claim 7 recited, *inter alia*, "when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application." Terzis and Lambert do not teach or suggest at least the above limitation of claim 7.

On page 3, the Office Action states that “according to the interview, the Applicant said that support for ‘when an application is initiated and binds a socket to a local port (Claim 1)’ was taught by ‘on the other hand, if its not a client instantiation, only local 3-tuple, i.e. local address, protocol, and local port are available’ wherein the local port is available.” Applicants respectfully note that, during the telephone interview, Applicants indicated that the whole passage on page 74 of Exhibit C, stating that “[w]hen client instantiation takes place, the full 5-tuple is available to instantiate the template. On the other hand, if it is not a client instantiation, only local 3-tuple, i.e. local address, protocol, and local port, available” supports the above limitation of claim 1. When either a 5-tuple or a 3-tuple is available to instantiate a template, the local port is available.

Further, as was discussed during the interview, in the context of claim 1, a local port is “available” when an application is *initiated* and *binds a socket to the local port*. Thus, instantiating at least one template is performed using the *stored local port*. For example, as pointed to by the Applicants during the interview, page 73 of Applicants’ specification (Exhibit C) includes TransportTemplate, IPSecTemplate, and IPSecAuthorizationTemplate that are examples of the instantiation templates. None of the templates take a local port as a parameter. Instead, the templates use a respective “get” method to obtain the local port, which indicates that the local port condition is generated when an application is *initiated* and *binds a socket to the local port*.

On page 3, the Office Action states that, in paragraphs 0083-0094, Terzis “teaches observing an incoming packet for low identification data (e.g., source port, source IP address, destination port, destination IP address, IP protocol, VLAN-ID)” within the header of the packet.” The Office Action also states that “Terzis in the same paragraphs further teaches ‘Classification involves searching the N-tuple against a rule set.’ This is similar to the determining whether the application is 3-tuple or 5-tuple as described in pages 73-74 of the Appendix.” Applicants respectfully disagree with this interpretation of Terzis. In Terzis, the N-tuple is used to associate rules with the packet or, if the packet is not associated with any rules, for classification which involves searching the N-tuple elements against a rule set (Terzis, page 6, [0083-0084]). Moreover, claim 1 is not directed to “determining whether the application is 3-tuple or 5-tuple.” Indeed, a set of values in a tuple describes what information is available to

instantiate the template, rather than to determine “whether the application is 3-tuple or 5-tuple,” as stated in the Office Action.

Furthermore, claim 1 is directed, *inter alia*, to **creating** at least one policy for the application. In contrast, in the cited portion, Terzis describes an exemplary flow chart of rule **application** (Terzis, Fig. 10, page 6, [0083]) (emphasis added). In Terzis, the process of rule application starts when a packet is received 1100 by a MACSS, where the MACSS looks at flow identification data (e.g., source port, source IP address, destination port, destination IP address, IP protocol, VLAN-ID) **within the header of the packet** (Terzis, Fig. 10, page 6, [0083]) (emphasis added). The parameters that are collectively known as the N-tuple can be used to associate rules with the packet (Terzis, page 6, [0083]).

Accordingly, Terzis describes that, to associate rules with a received packet, information in the header of the packet can be used. As should be understood by one of skill in the art, this is different from storing a local port *when an application is initiated and binds a socket to the local port* and, when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port *to create at least one policy for the application*. Indeed, a packet is different from the application that *binds a socket to the local port*, as claimed (emphasis added). Further, applying existing rules to the packet, as described in Terzis, is different from “instantiating a template using the stored local port to **create** at least one policy for the application is different from,” as recited in claim 1 (emphasis added). Moreover, in contrast to claim 1, which recites that the local port is *stored* when an application is initiated and *binds a socket to the local port*, Terzis describes that the flow identification data is received as part of the header of the packet.

Furthermore, the Office Action states Terzis teaches “After a frame has been classified its N-tuple and classification result are added to an identification database (an association is made). The packet then proceeds to be processed based on the associated rules.” The Office Action then contends that “this is similar to the creation of the at least one policy for the application based upon the N-tuples.” However, in this portion (Terzis, page 6, [0084]), the reference again describes classifying a packet based on the existing set of rules, rather than, when certain conditions are met, instantiating at least one template using at least the stored local port to create at least one policy for the application.

Thus, it should be clear that Terzis does not teach or suggest “when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application,” as recited in claim 1. Lambert does not cure the deficiency of Terzis and was not cited as teaching the above limitation of claim 1.

In view of the above, claim 7 patentably distinguishes over Terzis and Lambert, either alone or in combination, and is in condition for allowance.

Claims 11-18 depend from claim 7 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 7 and 11-18 is respectfully requested.

II. Independent Claim 19

Claim 19 recites, *inter alia*, “when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application.”

On page 13, the Office Action alleges that Terzis teaches this limitation of claim 19. However, as should be clear from the above discussion of Terzis, neither Terzis nor Lambert teaches or suggests this limitation of claim 19.

In view of the above, claim 19 patentably distinguishes over Terzis and Lambert, either alone or in combination, and is in condition for allowance.

Claims 20-23 depend from claim 19 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 19-23 is respectfully requested.

III. Independent Claim 24

Claim 24 recites, *inter alia*, “when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, instantiate at least one template using at least the stored local port to create at least one policy for the application.”

On page 19, the Office Action alleges that Terzis teaches this limitation of claim 24. As should be clear from the above discussion of Terzis, neither Terzis nor Lambert teaches or suggests this limitation of claim 24.

In view of the above, claim 24 patentably distinguishes over Terzis and Lambert, either alone or in combination, and is in condition for allowance.

Claims 25-31 depend from claim 24 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 24-31 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. M1103.70168US00 from which the undersigned is authorized to draw.

Dated: March 23, 2010

Respectfully submitted,

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